REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-67 were pending in the application.

Claims 4-6, 31-47, and 61-67 are canceled to address a restriction requirement.

Claims 1, 7, and 9 are amended to clarify the training features of the claimed invention which are not shown by the references cited in the August 9, 2004 Office Action.

Independent claim 10 is amended to include the limitations of dependent claim 17, which is canceled, to further distinguish the claimed method from prior worker management methods.

Independent claim 48 is amended to include the limitations of dependent claims 52 and 53, which are canceled. These limitations call for the system of claim 48 to include means for managing capacity that includes projecting task demand and providing training scenarios to meet expected shortfalls. These features of the claimed system are not shown by the art of record in this case.

Claims 1-3, 7-16, 18-30, 48-51, and 54-60 remain for consideration by the Examiner.

Claim Restrictions

In the August 9, 2004 Office Action, a restriction requirement was made grouping the claims into two groups, i.e., Groups I and II. Group I included claims 1-3, 7-30, and 48-60, and Group II included claims 4-6, 31-47, and 61-67. In a telephone interview, Applicants provisionally elected to prosecute the claims in Group I.

With this Amendment, Applicants confirm this provisional election and elect to prosecute claims 1-3, 7-30, and 48-60 of Group I. Claims 4-6, 31-47, and 61-67 of Group II are canceled.

Objection to References in Specification

In the Office Action, the Examiner indicated that listing of references in the specification does not properly present references to the Patent Office for review. Applicants agree, and in this regard, Applicants have transmitted 3 information disclosure statements dated 4/18/02, 6/27/02, and 8/06/04. The Office Action only included the 6/27/02 IDS. Applicants request that all the references listed on all 3 IDS's be fully considered by the Examiner and that the Examiner initial by each reference (including the Driscoll reference on the 6/27/02 IDS, which was not done on the copy presented with the Office Action).

Specification Objections

Also, in the Office Action, the first page of the specification was objected to due to missing application serial numbers. A Preliminary Amendment was filed on August 6, 2004 to amend lines 6-15 of page 1 to provide serial numbers of the referenced patent applications.

Drawing Objections

The Office Action objected to Figures 5A and 5B due to the lack of textual labels. In response, Figures 5A and 5B are amended to provide textual labels as shown in the attached Replacement Sheet.

Claim Objections

Further, the Office Action objected to the listing of duplicative claims 56 and 57 (i.e., claims 56 and 57 were presented twice on page 58). The listing of claims presented in this amendment deletes the duplicative claims as suggested by the Examiner.

Double Patenting Rejections

In the Office Action, claims 1-2, 7-8, 10, 12-18, 48-51, and 54-58 were provisionally rejected for double patenting based on copending Application No. 10/002,962. The rejection appears to Applicants to be a nonstatutory double patenting rejection as the discussion admits that there are differing elements in the claims in copending Application No. 10/002,962. In response, a Terminal Disclaimer is being filed with this Amendment to overcome the provisional double patenting rejection.

Claim Rejections Under 35 U.S.C. §103

In the August 9, 2004 Office Action, 1-3, 7-30, and 48-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,134,530 ("Bunting") in view of U.S. Pat. No. 6,675,151 ("Thompson"). Claims 17, 52, and 53 are canceled by this Amendment. The rejection of the pending claims is traversed based on the following remarks and the claim amendments.

Initially, it should be understood that the claimed invention is addressing problems associated with previously available workflow software and software for managing specific tasks (such as software for "matching calls between clients and agents...best suited to handle the call based on predefined criteria"), as is discussed in Applicants' background on page 1, lines 12-29. Training and certifying remote workers or agents is one problem address by the invention, and as stated in Applicants' summary the method includes not only assigning tasks only to those workers certified to have one or more task skills required to perform a task step of a process but also includes "automatically training the workers at one or more task skills with no human management." Further, as can be seen in varying language in the claims, the methods and systems of the invention typically call for training of the remote workers based on incoming tasks, e.g., based on the task skills needed to perform the incoming projects from customers and based on the existing skill sets of a pool of workers (e.g., do our workers have the needed skills or is additional training required and the like). Further, the training is pushed out to the remote workers proactively to make

sure the remote workers are trained and certified for the task skills needed to support incoming and future workloads and projects.

Bunting is cited in the Office Action for teaching all the features of the claimed invention except for the data structure, which is asserted to be taught by Thompson. However, as stated in its title, Bunting is a rule based routing system and method for routing calls to agents in a call center or service center. As shown in Figures 14 and 15 of Bunting, agents are grouped into skill groups, such as by their language and skill sets, and service requests are routed to the agents at least partially based on the skills possessed by the call center agents. Applicants were fully aware of this type of software and systems and discussed these in there background. Bunting fails to address the problem of tracking the training of its agents, of determining what additional training is required based on incoming service requests/calls, and of determining and tracking how to provide such training remotely to the workers in an automated fashion.

More specifically, the Office Action with regard to claim 1 cites Bunting at col. 11, lines 20-22 for teaching "training workers at one or more task skills according to one or more training scenarios related to the task skills." However, at this citation, Bunting only states that the customers should be "routed to specifically trained cross-sale specialists…" but provides no teaching that training should be carried out or that such training should be performed "according to one or more training scenarios related to the task skills." Further, the Office Action cites this same portion of Bunting for teaching that such training is performed "automatically substantially without human management." Applicants could find no teaching or suggestion in Bunting that training is performed, how it is performed, or that it should be completed automatically with little or no human management. For these reasons, Applicants do not believe Bunting supports a rejection of claim 1 and request that this rejection be withdrawn.

Further, claim 1 calls for dispatching a task to a remote worker according to one or more task dispatch rules "wherein the dispatch rules define one or more task skills required of the remote worker" prior to dispatching the task to the worker. Also, claim 1 calls for "training the one or more remote workers at

one or more task skills according to one or more training scenarios related to the task skills specified in the dispatch rules for the dispatched task." Bunting fails to teach performing training as discussed above and also fails to training remote workers using training scenarios related to task skills specified in a set of dispatch rules. The Office Action again cites Bunting at col. 11, lines 20-22, but Bunting only discusses that their agents need to have special training and fails to teach the training element of claim 1. For this additional reason, claim 1 is allowable over Bunting. Further, Thompson fails to overcome these deficiencies of Bunting and does not discuss training and methods for performing training automatically including selecting training scenarios based on skills specified in dispatch rules.

Claims 2-3 depend from claim 1 and are believed allowable as depending from an allowable base claim.

Independent claim 7 is directed to a system with limitations similar to that of claim 1 and as a result, the reasons provided above for allowing claim 1 are believed equally applicable to claim 7. Further, Bunting does not teach a "training unit" that operates as called for in claim 7. The Office Action cites Bunting at the same citations as provided for claim 1, and as stated above, Bunting fails to teach how training is performed or that its method or system performs any training and therefore, cannot teach a "training unit" as called for in claim 7. Claim 8 depends from claim 7 and is believed allowable at least for the reasons for allowing claim 7.

Independent claim 10 includes some limitations of claim 1 and the reasons provided for allowing claim 1 over Bunting and Thompson are applicable to claim 10. Further, claim 10 as amended calls for managing the capacity "including determining one or more training scenarios based on the distribution of tasks in the task data structure, required task skills, and available workers having the required task skills." Bunting fails to teach any training techniques and clearly fails to teach managing capacity of remote workers by selecting training scenarios to be used in training of such workers especially such selection being based on distribution of tasks in a task data structure and availability of workers having required skills. The Office Action in rejecting claim

17 cites Bunting at col. 6, lines 8-9, but at this citation, Bunting is merely restating the form language found in numerous patents (i.e., "It is understood that other embodiments may be utilized as structural changes may be made without departing from the scope of the present invention.") and provides no teaching whatsoever of the limitations now found in claim 10. For this additional reason, claim 10 is allowable over the combined teaching of Bunting and Thompson. Claims 11-16 and 18-30 depend from claim 10 and are believed allowable for at least the reasons for allowing claim 10.

Independent claim 48 is directed to a automatic worker management system and the reasons for allowing claim 1 are believed applicable to claim 48. Further, claim 48 calls for a certifying means and this feature is not shown by Bunting or Thompson. The Office Action cites Bunting at the same citations as used in rejecting claim 1 but claim 1 does not call for certifying the remote workers. Hence, Applicants request that a specific citation be provided for this limitation or that the rejection be withdrawn as unsupported. Additionally, claim 48 calls for projecting task demand as part of managing the capacity of the system and in response to such projecting selecting proper training scenarios. In rejecting claim 53 (which originally contained this projecting limitation), the Office Action cites Bunting at col. 11, lines 19-20, but at this citation, Bunting is only mentioning that the callers should be routed to specially trained agents – not that task demand is projected or that training scenarios are selected to meet shortfalls in highly demanded tasks. Because Bunting fails to teach all the limitations of claim 48, the rejection is improper and Applicants request that it be withdrawn and claim 48 allowed. Claims 49-51 depend from claim 48 and are believed allowable as depending from an allowable base claim.

Independent claim 54 is directed to a carrier medium with similar limitations as claim 48 and the reasons for allowing claim 48 are believed applicable to claim 54. Claims 55-60 depend from claim 54 and are believed allowable for at least the reasons for allowing claim 54.

Conclusions

Based on the above remarks, Applicants respectfully request that a timely notice of allowance be issued in this case.

A fee is provided for the filing of a terminal disclaimer. However, any additional fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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Attachment: Replacement Sheet

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 5A and 5B. This sheet which includes Figs. 5A and 5B replaces the original sheet including Figs. 5A and 5B. In Figs. 5A and 5B textual labels have been added to further clarify the figures. No new matter is added with support found in Figures 1 and 3 and the Applicants' specification from line 19 of page 23 to line 14 of page 24.